

HOUSE BILL 105

R5

11r0098

By: **Chair, Judiciary Committee (By Request – Departmental – State Police)**

Introduced and read first time: January 24, 2011

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 22, 2011

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Races and Speed Contests – Enforcement and Penalties**

3 FOR the purpose of authorizing a police officer to arrest without a warrant a person
4 who ~~participates~~ drives a vehicle in a certain race or speed contest that results
5 in serious bodily injury to another person under certain circumstances; altering
6 the penalty for a conviction of ~~participating~~ driving a vehicle in a certain race or
7 speed contest that results in serious bodily injury to another person; and
8 generally relating to the prohibition against ~~participating~~ driving a vehicle in
9 certain races or speed contests.

10 BY repealing and reenacting, without amendments,
11 Article – Transportation
12 Section 21–1116
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2010 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 26–202(a)
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2010 Supplement)

20 BY adding to
21 Article – Transportation
22 Section 27–101(ee)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2010 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Transportation**

6 21–1116.

7 (a) Except as provided in § 21–1211 of this title, on any highway or on any
8 private property that is used by the public in general, a person may not drive a vehicle
9 in a race or speed contest, whether or not on a wager or for a prize or reward.

10 (b) Except as provided in § 21–1211 of this title, a person may not participate
11 as a timekeeper or flagman in any race or speed contest specified in subsection (a) of
12 this section.

13 26–202.

14 (a) A police officer may arrest without a warrant a person for a violation of
15 the Maryland Vehicle Law, including any rule or regulation adopted under it, or for a
16 violation of any traffic law or ordinance of any local authority of this State, if:

17 (1) The person has committed or is committing the violation within
18 the view or presence of the officer, and the violation is any of the following:

19 (i) A violation of § 21–1411 or § 22–409 of this article, relating
20 to vehicles transporting hazardous materials; or

21 (ii) A violation of § 24–111 or § 24–111.1 of this article, relating
22 to the failure or refusal to submit a vehicle to a weighing or to remove excess weight
23 from it;

24 (2) The person has committed or is committing the violation within
25 the view or presence of the officer, and either:

26 (i) The person does not furnish satisfactory evidence of identity;
27 or

28 (ii) The officer has reasonable grounds to believe that the person
29 will disregard a traffic citation;

30 (3) The officer has probable cause to believe that the person has
31 committed the violation, and the violation is any of the following offenses:

1 (i) Driving or attempting to drive while under the influence of
2 alcohol, while impaired by alcohol, or in violation of an alcohol restriction;

3 (ii) Driving or attempting to drive while impaired by any drug,
4 any combination of drugs, or any combination of one or more drugs and alcohol or
5 while impaired by any controlled dangerous substance;

6 (iii) Failure to stop, give information, or render reasonable
7 assistance, as required by §§ 20–102 and 20–104 of this article, in the event of an
8 accident resulting in bodily injury to or death of any person;

9 (iv) Driving or attempting to drive a motor vehicle while the
10 driver's license or privilege to drive is suspended or revoked;

11 (v) Failure to stop or give information, as required by §§ 20–103
12 through 20–105 of this article, in the event of an accident resulting in damage to a
13 vehicle or other property;

14 (vi) Any offense that caused or contributed to an accident
15 resulting in bodily injury to or death of any person;

16 (vii) Fleeing or attempting to elude a police officer;

17 (viii) Driving or attempting to drive a vehicle in violation of §
18 16–101 of this article; [or]

19 (ix) A violation of § 14–110(b), (c), (d), or (e) of this article; OR

20 (X) ~~A VIOLATION OF § 21-1116 OF THIS ARTICLE §~~
21 21–1116(A) OF THIS ARTICLE THAT RESULTS IN SERIOUS BODILY INJURY TO
22 ANOTHER PERSON;

23 (4) The person is a nonresident and the officer has probable cause to
24 believe that:

25 (i) The person has committed the violation; and

26 (ii) The violation contributed to an accident; or

27 (5) The officer has probable cause to believe that the person has
28 committed the violation, and, subject to the procedures set forth in § 26–203 of this
29 subtitle, the person is issued a traffic citation and refuses to acknowledge its receipt by
30 signature.

31 27–101.

1 (EE) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF ~~§ 21-1116~~ §
2 21-1116(A) OF THIS ARTICLE ~~IS SUBJECT TO:~~

3 ~~(1) A FINE OF NOT MORE THAN \$500 OR IMPRISONMENT FOR NOT~~
4 ~~MORE THAN 60 DAYS OR BOTH; OR~~

5 ~~(2) IF THE VIOLATION THAT~~ RESULTS IN SERIOUS BODILY INJURY
6 TO ANOTHER PERSON AS DEFINED IN § 27-113 OF THIS TITLE, IS SUBJECT TO A
7 FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 1
8 YEAR OR BOTH.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.